

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Randy Davenport,)
Plaintiff,) No. 8:14-cv-3258-RMG
vs.)
Kohl's Corporation,) **ORDER**
Defendant.)

)

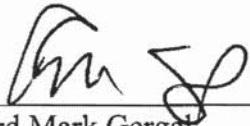
This matter comes before the Court on the Report and Recommendation ("R & R") of the Magistrate Judge, recommending that the Court dismiss this action for failure to prosecute pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. (Dkt. No. 41). Plaintiff was advised that he had fourteen days from the service of the R & R to file written objections, and a failure to file timely written objections would result in limited review by the District Court and waiver of the right to appeal from the judgment of the District Court. (Dkt. No. 41-1). Plaintiff did not file any objections to the R & R.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). The Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). This Court is charged with making a de novo determination of those portions of the R & R to which specific objection is made. Here, however, because no objection has been made, this Court "must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416

F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P 72 advisory committee note). Moreover, in the absence of specific objections to the R & R, the Court need not give any explanation for adopting the Magistrate Judge's analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

After a careful review of the record and the Magistrate Judge's R & R, and the applicable law, this Court adopts the R & R as the order of the Court. Accordingly, the Court dismisses this action with prejudice for lack of prosecution.

IT IS SO ORDERED.



Richard Mark Gerger
United States District Judge

June 4, 2015
Charleston, South Carolina